THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.18084 of 2005

Dt:17.08.2004

Between:

L.Hassan Khan and others

.. Petitioners

and

Government of A.P., and others

.. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.18084 of 2005

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ORDER:

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This writ petition is filed by the petitioners seeking a direction to the respondents not to grant any pattas to the third parties relating to the lands belonging to them i.e. Ac.8.86 cents in Sy.No.480/3C and 0.07 cents in Sy.No.480/3A, Ac.6.66 cents in Sy.No.480/1A and 2 cents in Sy.No.480/1C respectively.

It is the case of the petitioners that the above said lands are their ancestral property. The said property was given to the petitioners through a partition deed dated 19.07.1958. Since then they are in possession and enjoyment of their respective shares. Now, the first respondent embarked a scheme of distributing the land to landless poor and respondents 2 to 4 were directed to identify the land to be distributed to the landless poor. While so, on 09.06.2005, at the instance of M/s.Gayathri Juice Industries, the fourth respondent-Mandal Revenue Officer issued a notice to the petitioners stating that though the petitioners got pattedar pass books for the said Government lands, but they violated the patta conditions enumerated in D-patta without specifying what exactly even the conditions that were violated and without specifying how and when the D-patta was granted. They further stated that they have not granted any D-patta. In pursuance of the notice dated 09.06.2005, the petitioners filed their objections. But, no enquiry was conducted and no opportunity was given to the petitioners. Hence, this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The only apprehension of the petitioner is that the land in question is going to be assigned to the landless poor without conducting any enquiry or without giving any opportunity to the petitioners.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the fourth respondent-The Mandal Revenue Officer, Dhone, Kurnool District to consider the objections filed by the petitioners in pursuance of the notice dated 09.06.2005 and pass appropriate orders in accordance with law, after giving an opportunity to the petitioners, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioners from the lands in question.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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17.08.2005

kdl